

STATE OF WEST VIRGINIA
THIRTEENTH JUDICIAL CIRCUIT
OFFICE OF THE COURT MONITOR
STATE CAPITOL COMPLEX
BUILDING 6, ROOM 850
CHARLESTON, WEST VIRGINIA 25305



LOUIS H. BLOOM
JUDGE

DAVID G. SUDBECK
COURT MONITOR

MEETING OF THE PARTIES

In E.H., et al., v. Khan Matin, et al.

TUESDAY, JANUARY 13, 2015

MINUTES

PRESENT: David G. Sudbeck, Kyle Blackburn, Vickie Jones, Christopher Dodrill, Robert Leslie, Cynthia Beane, Kim Stitzinger Jones, Teresa Brown, Regina Mayne, Lydia Milnes, Karen Villanueva-Matkovich

I. COURT MONITOR REPORT

David Sudbeck started the meeting by mentioning there were no new grievances filed since the last Meeting Of The Parties to report on. During the Provider Meeting update David Sudbeck asked Respondents for an update regarding the meetings with the Community Behavioral Health Care providers, that are being held pursuant to an agreement between the parties reached at the September 17, 2014 hearing. Vickie reported that another meeting is scheduled in February, and that BHHC and the providers were preparing lists of essential services for adults and children, which would help ensure the provision of services in the least restrictive environment at all levels. Cindy Beane stated that both she and representatives from the Bureau for Children and Families have also been involved in some of the meetings; she stated that there are four “quick fix” teams that are meeting, but clarified that the issues being addressed by those teams were not Hartley issues.

David asked whether the Respondents were prepared to provide an update to the Court on the provider meetings at the next hearing. DHHR’s attorney, Robert Leslie, asked Petitioner’s attorney, Lydia Milnes, whether she was in touch with any of the providers about the ongoing meetings. Lydia stated that she had been and that, although the providers were pleased to be engaged in dialogue with DHHR, they were concerned that no agreements had been reached with regard to the changes to the manner in which DHHR is distributing funding for community services. Robert Leslie requested that Lydia identify who she had been talking to, stating that none of the providers had informed the Department that there were any problems or concerns. Lydia declined to provide the names of individuals to whom she had spoken, but promised to tell the

providers that the Department was representing that it was unaware of their concerns and had requested that they re-communicate said concerns to the Department. Further discussion was had with regard to whether the Department had, in fact, implemented changes to their funding of community based services based on meetings with the providers. Vickie confirmed that no changes had been made with respect to the availability of funds sometimes referred to as “charity care dollars,” one of the issues raised in Petitioners’ RFR.

David Sudbeck mentioned his letter to the judge about extending the Legal Aid Audit regarding PRN medication use. The judge had no problem with the extension but would like an update at the February 4th hearing. Bill Albert of Legal Aid will provide David Sudbeck with a written report/update 48 hours before the hearing. Neither Respondents nor Petitioners had a problem with this. David Sudbeck asked for an update about the CEO and Assistant CEO openings at Sharpe Hospital. Vickie Jones stated that Kim Walsh is the interim CEO. They also want to hire the CEO first so that he/she can be part of the hiring process for the Assistant CEO. Lydia Milnes asked about a deadline, Vickie Jones said they are following state government protocol they are hoping to be able to hire a qualified candidate quickly.

II. BHHF REPORT

Vickie Jones mentioned that the Respondents and Petitioners have already discussed in this meeting what she would report on.

III. PETITIONER REPORT

Lydia Milnes asked if the implementation of the pay plans went as predicted. Karen Villanueva-Matkovich said the people who are unhappy are the employees at Sharpe and Bateman who have not received a pay raise because they were not classified as direct care by Judge Bloom. It has been explained to the staff that the raises are a result of DHHR's compliance with the Judge's Order. Lydia Milnes mentioned that neither website for Sharpe or Bateman had the new positions and salaries listed. Karen Villanueva-Matkovich said they were listed on the Division of Personnel website. Vickie Jones said she would look into the manner and follow up.

Lydia Milnes asked if the new Community Integration Policy was implemented at Bateman and Sharpe Hospitals, Vickie Jones replied yes it is. David Sudbeck asked about the patient pay issue and Vickie Jones reported that she will follow up on this but had not heard of any concerns.

IV. BMS REPORT

Cindy Beane mentioned during the TBI Waiver Update that as of December 2014 there were 52 active members living at home in their community. And in July the applications will be changing. She said there are definitely enough people out in the community but due to money issues she had no idea how many kids could apply. Cindy Beane informed the group that the two Managed Care Workgroups process and quality are continuing to meet frequently. During the last meeting Secretary Bowling attended and went over all the concerns, and the plan is for implementation by July 2015.

Cindy also distributed the current TBI waiver report [copy attached below]

Next Meeting: Tuesday, March 10, 2015
10:00 a.m.-12:00 noon
One Davis Square
Conference Room 134 Charleston, WV 25301